THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.23967 OF 2007

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Date: 3.12.2007

Between:

Smt. Konchada Indira Kumari … Petitioner

And

The Station House Officer, 5th Town Police Station,
Visakhapatnam and another. … Respondents.

ORAL ORDER: **(per Nooty Ramamohana Rao, J)**

This Writ Petition has been registered as a Taken Up Writ Petition on the basis of a telegram dated 6.11.2007 sent by the petitioner to the Hon'ble the Chief Justice of this Court, complaining that the police have illegally detained her husband without any report against him and without registering any crime.

The learned Advocate General filed a counter sworn to by Sri S. Venkat Rao S/o Late Swamy, Kancharapalem Police Station, Visakhapatnam, within whose jurisdiction the petitioner has been residing. In para 4 of the counter-affidavit it has been asserted that at no point of time the police have illegally detained the alleged detenu. But, however, a notice was served on him in connection with

Cr.No.693 of 2007 and during the course of enquiry into the said crime, the detenu has categorically denied his involvement and, therefore, he was let off. The counter has specifically denied that the police have illegally detained the husband of the petitioner. Further, the statement of the alleged detenu Konchada Mohana Rao S/o Late Ramarao recorded by the Tahsildar, Amadalavalasa Mandal, Srikakulam District has also been enclosed to the counter-affidavit. In the statement, the alleged detenu categorically stated that he is moving freely and that he has not been arrested or detained by the police. The police, Amadalavalsa have called him to the police station on 5.11.2007 at 7.00 p.m and later he was taken to Visakhapatnam, where after interrogation he was let off.

In view of the averments in the counter-affidavit and the statement made by the alleged detenu before the Tahsildar, Amudalavasala that he has been moving freely and has not been detained by the police, we find no merit in the writ petition, which is accordingly dismissed.

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A. GOPAL REDDY, J

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3rd December, 2007 **NOOTY RAMAMOHANA RAO, J**

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